



**COMMUNITY DEVELOPMENT RESOURCE AGENCY**  
**PLANNING SERVICES DIVISION**  
County of Placer

**HEARING DATE:** August 13, 2020  
**ITEM NO.:** CONSENT  
**TIME:** 10:00 AM

**TO:** Placer County Planning Commission  
**FROM:** Development Review Committee  
**DATE:** July 31, 2020  
**SUBJECT: MORGAN PLACE SUBDIVISION  
EXTENSION OF TIME – TENTATIVE SUBDIVISION MAP AND VARIANCE  
(PSUB 20060309)  
PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT  
(SCH# 2004062141)  
SUPERVISORIAL DISTRICT 1 (GORE)**

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**COMMUNITY PLAN AREA:** Dry Creek West Placer Community Plan

**GENERAL / COMMUNITY PLAN DESIGNATION:** High Density Residential

**ZONING:** RM-DL8-Dc (Residential Multi-Family, Combining Density Limitation with a maximum of 8 dwelling units per acre, Combining Design Scenic Corridor)

**ASSESSOR PARCEL NUMBER:** 023-221-013-000

**STAFF PLANNER:** Bennett Smithhart, Associate Planner

**LOCATION:** The project is located approximately 200 feet from the southeast corner of the intersection of Walerga Road and PFE Road, in the West Roseville area.

**APPLICANT:** Moser Ventures Inc., on behalf of the owner, CNC Stoneridge LLC

**PROPOSAL**

The applicant requests approval of a two-year Extension of Time, for a previously approved Tentative Subdivision Map to develop a 91-lot single-family residential subdivision and Variances that allow for the following development standards: Lot Size – 2,750 square feet, Coverage – 45% (two-story structures), Side yard setback – 5 feet (two-story structures), Front setback – 18 feet from back of walk to face of garage for Lots 37 and 38 only; all other lots to meet minimum 20 feet from back of walk to face of garage, Rear setback – 10 feet (two-story structures). This is the third Extension of Time request for this project.

**CEQA COMPLIANCE**

A Final Environmental Impact Report (State Clearing House #2004062141) was prepared for this project and was certified by the Planning Commission on May 25, 2006. Since its original approval by the Planning Commission the applicant has requested minor modifications, which the County determined to be in substantial conformance with the original Tentative Subdivision Map approval. Pursuant to CEQA Guidelines section 15162, the Development Review Committee (DRC) has found that no other changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for this time extension. The Planning Commission must make a finding to this effect.

## PUBLIC NOTICES AND REFERRAL FOR COMMENTS

Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sacramento Bee* newspaper. Community Development Resource Agency staff and the Departments of Public Works, Facilities Management, Engineering & Surveying, and Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report. No public comments were received at the time of preparation of this report.

## SITE CHARACTERISTICS

The project is located within the Dry Creek West Placer Community Plan (DCWPCP) area and is designated for High Density Residential development. The project site is zoned RM-DL8-Dc (Residential Multi-Family, combining Density Limitation with a maximum of 8 dwelling units per acre, combining Design Scenic Corridor). The project is bordered by PFE Road to the north and Walerga Road to the west. Surrounding land uses include undeveloped land immediately to the north, Sabre City Estates Subdivision immediately to the east, Antelope Oaks Subdivision (City of Antelope) to the south, and Antelope Springs Church to the west.

The 11.85 acre project site is undeveloped and was previously used for dry land grazing. The site has non-native annual grasses and native trees comprised of California Black Walnut, blue oaks, valley oaks, and non-native trees include black locust. Seasonal wetlands occur in the northwest corner of the site with a small patch of seasonally wet vegetation located in the southwestern corner of the site.

## EXISTING LAND USE AND ZONING

Location	Zoning	General Plan / Community Plan Designations	Existing Conditions and Improvements
Site	RM-DL 8-Dc (Residential Multi-Family, Combining Density Limitation of 8 units per acre, Combining Design Scenic Corridor)	High Density Residential 4-10 DU/Ac.	Undeveloped
North	CPD-Dc (Commercial Planned Development, Combining Design Scenic Corridor)	Commercial	Undeveloped
South	Antelope Oaks Subdivision (City of Antelope)	City of Antelope	Medium Density Residential
East	RM-DL 8-Dc (Residential Multi-Family, Combining Density Limitation of 8 units per acre, Combining Design Scenic Corridor)	High Density Residential 4-10 DU/Ac.	Medium Density Residential
West	RS-AG-B-20 (Residential Single-Family, Agricultural, Combining Building Site Minimum of 20,000 Square Feet)	Low Density Residential 1-2 DU/Ac.	Developed with House of Worship

## BACKGROUND

On May 25, 2006, the Planning Commission approved a Tentative Subdivision Map and Variance, and certified a Final Environmental Impact Report for the Morgan Place subdivision. The original approval allowed for the creation of a 91-lot single-family residential subdivision on 11.85 acres with common open space for a detention basin, recreational facilities, landscaping, noise attenuation and wetlands protection. A Variance allowing for the following development standards were approved as part of this project: Lot Size – 2,750 square feet, Coverage – 45% (two-story structures), Sideyard setback – five feet (two-story structures), Front setback – 18 feet to face of garage, and Rear setback – ten feet (two-story structures).

The Tentative Subdivision Map has been granted several automatic extensions by the state through Senate Bill 1185 (1-year automatic extension) and Assembly Bills 333, 208, and 116 (consecutive 2-year automatic

extensions). Collectively, the Senate Bill and Assembly Bills established an extended expiration date of June 5, 2016. There have been two previous extensions of time. The first Extension of Time was approved by the Planning Commission on July 14, 2016. A second Extension of Time was approved by the Planning Commission on June 14, 2018, which extended the project's expiration date to June 5, 2020. The application for the third Extension of Time was received on May 22, 2020. Pursuant to the County Zoning Ordinance, this will be the final Extension of Time that can be allowed for the project.

## **DISCUSSION OF ISSUES**

The applicant, Moser Ventures Inc. on behalf of the owner, CNC Stoneridge LLC, requests an Extension of Time due to the time required to complete improvement plans and record a final map. The final map and improvement plans remain uncompleted, in part, due to a previous request from the developer of the Riolo Vineyards project, SMUD, and Placer County to revise the Morgan Place final map and improvement plans to accommodate a planned relocation of the overhead power line along Walerga Road. The final map has been deemed technically complete and ready to record and review of the seventh submittal of the improvement plans has been completed with only minor corrections remaining to be completed in order for those plans to be approved and issued. Since the 2018 Extension of time, the project owners obtained a contract with a residential builder who would construct the project, but in March of this year, due to the COVID-19 Pandemic, the plans to construct the project were put on hold until 2021.

Authorizations for tentative map and use permit extensions are established under County Code Section 16.12.120(C), Section 16.20.060(B)(1) and Section 17.58.160 and are somewhat limited in the scope to be considered. The first consideration is determining if there are new circumstances that would have been grounds for denying the original application; the second is whether the applicant has been diligent in pursuing permit implementation. Finally, extensions require that permit conditions be updated to reflect current standards.

Staff's review of this extension request has determined that the applicant has exhibited due diligence in pursuing implementation of the project by recently getting in contract with a residential builder and that a two-year Extension of Time would allow sufficient time to complete the required improvement plans and record a final map. This request would be consistent with Placer County Code Section 16.12.120 (C) 16.20.060(B)(1) and Section 17.58.160 which allows the granting authority to grant an extension of time for up to two years. There also have been no substantial changes of conditions or circumstances that would be grounds for denying the project today.

If approved, the Extension of Time would establish a new expiration date of June 5, 2022. Minor modifications have been incorporated into the Conditions of Approval to reflect current development standards and to incorporate the new project exercise date.

## **RECOMMENDATION**

The Development Review Committee recommends that the Planning Commission approve this third two-year Extension of Time request for the Morgan Place Tentative Subdivision Map and Variance in reliance on the previously certified Environmental Impact Report and modified Conditions of Approval as recommended by staff, based the following findings:

## **FINDINGS**

### CEQA

A Final Environmental Impact Report (State Clearinghouse #2004062141) was prepared for this project and was certified by the Planning Commission on May 25, 2006. The Planning Commission finds that no changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for the Extension of Time request.

### Extension of Time

1. No major changes are being proposed to the Project from the manner in which it was originally reviewed and approved;

2. No substantive change of conditions or circumstances have occurred with the Morgan Place subdivision project that would have been grounds for denying the original application;
3. The applicant has been diligent in pursuing implementation of the Project by undertaking reasonable efforts to satisfy the Conditions of Approval, including the submission of Improvement Plans for seven reviews which has advanced the plans to the point that they are nearly ready to issue, and advancement of the Final Map to the point of being technically complete and ready to approve, but was prevented from pursuing implementation of the Project due to market conditions associated with the COVID-19 Pandemic; and
4. An extension of the expiration date for this Tentative Subdivision Map and Variances is consistent with the objectives, policies, general land use and programs as specified in the Placer County General Plan and Dry Creek West Placer Community Plan, and will not be detrimental to the orderly development of the County or the general public health, safety, or welfare.

Respectfully submitted,



Bennett Smithhart  
Associate Planner

#### **ATTACHMENTS**

Attachment A – Substantial Conformance Exhibit 2013  
Attachment B – Substantial Conformance Exhibit 2015  
Attachment C – Recommended Conditions of Approval

cc: Steve Pedretti – CDRA Director  
EJ Ivaldi – Planning Director  
Clayton Cook – County Counsel  
Brad Brewer – Flood Control  
Ted Rel – Parks Division  
Angel Green – CDRA / Air Quality  
Stephanie Holloway – Public Works  
Joey Scarbrough – Environmental Health Services  
Rebecca Taber – Engineering and Surveying Division  
Dry Creek West Placer MAC

















**COMMUNITY DEVELOPMENT RESOURCE AGENCY  
PLANNING SERVICES DIVISION**  
County of Placer

**RECOMMENDED  
CONDITIONS OF APPROVAL  
MORGAN PLACE  
(PSUB 20060309)  
TENTATIVE MAP / VARIANCE**

**ASSESSOR PARCEL NUMBER: 023-221-069023-221-013-000**

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.**

1. This project is approved as an 80-lot single-family residential subdivision on 11.85 acres with five common lots for open space for detention basin, recreational facilities, landscaping, noise attenuation and wetlands protection. This project will be built in a single phase. Variances allowing for the following development standards are approved as part of this project.  
 Lot Size – 2,750 square feet  
 Coverage – 45% (two-story structures)  
 Sideyard setback – 5 feet (two-story structures)  
 Front setback – 18 feet from back of walk to face of garage for Lots 37 and 38 only; all other lots to meet minimum 20 feet from back of walk to face of garage  
 Rear setback – 10 feet (two-story structures)

On July 14, 2016, the Planning Commission approved a two-year extension of time for the Tentative Subdivision Map and Variances for the Morgan Place Subdivision. Modified Conditions include: 1, 17, 40, 49, 58, 59, and 103.

On June 14, 2018, the Planning Commission approved a second two-year extension of time for the previously approved Tentative Subdivision Map and Variances for the Morgan Place Subdivision. Conditions 1, 34, 36, 44, 49D, 58 and 103 were modified. **(PLN)**

On August 13, 2020, the Planning Commission approved a third two-year extension of time for the previously approved Tentative Subdivision Map and Variances for the Morgan Place Subdivision. Conditions 1, 54, 56, 58 and 103 were modified.

2. The following Condition #'s v4, v5, v17; and cr2, apply to this project as printed in *Placer County Land Development Departments' Sample Conditions*, Volume 2004, Number 1, dated July 27, 2004, as listed in Conditions 2A) through 2D) below:
  - A) **ADVISORY COMMENT:** This project may be subject to review and approval by the State Dept. of Fish & Game, National Marine Fisheries Services (NMFS), and/or the U. S. Army Corps of Engineers. It is the applicant's responsibility to obtain such approvals, if necessary, prior to any grading, clearing, or excavation. **(PLN / ESD)**
  - B) Prior to approval of Improvement/Grading Plans, the applicant shall furnish to the DRC, evidence that the (Choose one or more): California Department of Fish & Game, the U. S. Army Corps of Engineers, the National Marine Fisheries Services (NMFS), and the U. S. Fish and Wildlife Service (if applicable) have been notified by certified letter regarding the existence of wetlands, streams,

MAY 2006 – PC  
 JULY 2016 – PC  
 JUNE 2018 – PC  
AUGUST 2020 – PC

and/or vernal pools on the property. If permits are required, they shall be obtained and copies submitted to DRC prior to any clearing, grading, or excavation work. **(PLN)**

- C) Prior to any grading or tree removal activities, during the raptor nesting season (March 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish & Game (CDFG) within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with CDFG. If construction is proposed to take place between March 1<sup>st</sup> and September 1<sup>st</sup>, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the CDFG). Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) are no longer active, and that no new nests have been identified. A follow up survey shall be conducted 2 months following the initial survey, if the initial survey occurs between March 1<sup>st</sup> and July 1<sup>st</sup>. Additional follow up surveys may be required by the DRC, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1<sup>st</sup> and March 1<sup>st</sup> no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1<sup>st</sup> and March 1<sup>st</sup>. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report. **(PLN)**
- D) If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Services Division and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Services Division. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. **(MM) (PLN)**

3. Following Tentative Map approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Services Division with five full-size prints of the approved Tentative Map for distribution to other County departments, if the approval of the project requires changes to the map. **(CR) (PLN)**

## **IMPROVEMENTS / IMPROVEMENT PLANS**

4. The project is not subject to review and approval by the Placer County Design/Site Review Committee (D/SRC) based on the proposal for single-family dwelling units proposed within the RM (Residential Multi-Family) zone district. However, this does not pertain to other conditions contained herein requiring review by the Development Review Committee.

5. Recreational Facilities: The Improvement Plans shall provide details of the construction of the proposed recreational facilities, for the review and approval of the DRC and County Parks Division (PD's). All recreation facilities shall be designed to meet Americans with Disabilities Act (ADA) Federal Guidelines and, where appropriate, the Consumer Product Safety Commission Guidelines (COSC), and the requirements of the American Society for Testing and Materials (ASTM). Approval shall be evidenced by signature of a Parks Division representative on the Improvement Plans. **(PLN / PARKS)**
6. Class 1 Trails: The Improvement Plans shall provide details of the location and specifications of the class 1 trail along the PFE Road and Walerga Road frontages -- for the review and approval of the DRC and Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements. **(PLN / PARKS)**
7. Landscape Plan: The Improvement Plans shall provide details of the location and specifications of all proposed landscaping and irrigation -- for the review and approval of the DRC (and Parks Division if maintenance is provided through a CSA). Said landscaping shall be installed prior to the County's acceptance of the subdivision's improvements. **(MMIP) (PLN / PARKS)**
8. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.

**ADVISORY COMMENT:** Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

**ADVISORY COMMENT:** The applicant shall provide 5 copies of the approved Tentative Map and 2 copies of the approved conditions with the plan check application. After the 1<sup>st</sup> Improvement Plan submittal and review by the ESD, the applicant may submit the Final Map to the ESD for initial technical review. **(MM) (ESD)**

9. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area. **(MM) (ESD)**
10. All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1

(horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Division (ESD) concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. **(MM) (ESD)**

11. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Division for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable. **(MM) (ESD)**
12. Storm water run-off shall be reduced to pre-project conditions through the installation of retention/detention facilities. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of ESD. The ESD may, after review of the project drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. In the event on-site detention requirements are waived, this project may be subject to payment of any in-lieu fees prescribed by County Ordinance. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM) (ESD)**
13. Water quality treatment facilities (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development / Redevelopment (or other similar source as approved by the ESD). BMPs for the project



include but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (TC-1), Storm Drain Inlet Protection (SE-10), and revegetation techniques. **(ESD)**

14. Storm drainage from on and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation, for effective performance of BMPs. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a catch basin cleaning program shall be provided to ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM) (ESD)**
15. Drainage facilities, for purposes of collecting runoff on individual lots, shall be designed in accordance with the requirements of the County Storm Water Management Manual that are in effect at the time of submittal, and shall be in compliance with applicable stormwater quality standards, to the satisfaction of the Engineering and Surveying Division (ESD). These facilities shall be constructed with subdivision improvements and easements provided as required by ESD. Maintenance of these facilities shall be provided by the homeowners' association. **(MM) (ESD)**
16. Water quality "Best Management Practices" (BMPs) shall be applied according to guidance of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, or for Industrial and Commercial, (or other similar source as approved by the Engineering and Surveying Division (ESD)). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include but are not limited to: Vegetated Swale (TC-30) and rock outfall protection. All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. **(ESD)**
17. This project's ground disturbance exceeds one-acre that is subject to the construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program. The applicant shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the Engineering and Surveying Division evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction. **(ESD)**
18. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). **(ESD)**
19. Provide the Engineering and Surveying Division with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided

prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. **(ESD)**

20. Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater. **(ESD)**
21. Submit to the Engineering and Surveying Division (ESD), for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:
  - A) Road, pavement, and parking area design
  - B) Structural foundations, including retaining wall design (if applicable)
  - C) Grading practices
  - D) Erosion/winterization
  - E) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
  - F) Slope stability

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a Lot by Lot basis or on a Tract basis. This shall be so noted in the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. **(MM) (ESD)**

22. The Improvement Plans shall be approved by the water supply entity for water service, supply, and maintenance. The water supply entity shall submit to the Department of Environmental Health Services and the Engineering and Surveying Division a "will-serve" letter or a "letter of availability" from the water district indicating that the agency has the ability and system capacity to provide the project's domestic and fire protection water quantity needs. **(ESD / EH)**
23. An agreement shall be entered into between the developer and the utility companies specifically listing the party(ies) responsible for performance and financing of each segment of work relating to the utility installation. A copy of this agreement or a letter from the utilities stating such agreement has been made shall be submitted to the Engineering and Surveying Division prior to the filing of the Final Map(s). Under certain circumstances, the telephone company may not require any agreement or financial arrangements be made for the installation of underground facilities. If so, a letter shall be submitted which includes the statement that no agreement or financial arrangements are required for this development. **(ESD)**
24. Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate. **(ESD)**
25. All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the Engineering and Surveying Division (ESD) and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowners' association is responsible for maintaining the legibility of signs. **(ESD)**

26. Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer. **(ESD)**
27. Prior to Improvement Plan approval, the applicant shall submit an engineer's estimate detailing costs for facilities to be constructed with the project which are intended to be County-owned or maintained. County policy requires the applicant prepare their cost estimate(s) in a format that is consistent with the Governmental Accounting Standards Board, 34th Standard (GASB 34). The engineer preparing the estimate shall use unit prices approved by the Engineering and Surveying Division for line items within the estimate. The estimate shall be in a format approved by the County and shall be consistent with the guidelines of GASB 34. **(ESD)**
28. The connection of each existing residence within this project to public sanitary sewers is required, shall be shown on the Improvement Plans, and shall be included in the engineer's estimate of costs for subdivision improvements. Note: Hook-up fees are not to be included in the Engineer's Estimate. **(EH / ESD)**

## **GRADING**

29. Prior to issuance of an Early Grading Permit to allow for on-site rough grading, the applicant must submit Improvement Plans and any related documents as required by these conditions of approval to ESD for review. The review for the initial submittal of the Improvement Plans must be completed by DRC and satisfactorily address issues relating to dust control, tree removal, wetlands, protective fencing, grading, drainage, and erosion control.

Upon DRC determination that an Early Grading Permit may be issued, the applicant shall prepare a separate Rough Grading Plan and submit it to ESD for review and approval. Separate plan check, inspection and winterization fees will be required and will be based on the engineer's estimate. If design/site review process and/or DRC review is required as a condition of approval for this project, said review(s) shall be completed prior to the submittal of the Early Grading Permit.

**ADVISORY COMMENT:** The Improvement Plans shall be approved by ESD prior to the issuance of any Building Permits. **(ESD / PLN)**

30. If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations. **(ESD)**

## **ROADS / TRAILS**

31. Streetlights shall not exceed the minimum number required by DPW unless otherwise approved by the DRC and meet the following requirements. **(PLN)**
  - A) All interior street lighting shall be designed to be consistent with the "Dark Sky Society" standards for protecting the night sky from excessive light pollution. Other resources providing technical support include publications of the Illuminating Engineering Society of North America (IESNA) and the IESNA Lighting Handbook, Reference & Application, Ninth Edition and Recommended Practices (RP). The intent of these standards is to design a lighting system, where determined necessary that maintains public safety and security in the project area while curtailing the degradation of the nighttime visual environment through limiting evening light radiation and/or light spill. In addition, metal halide lighting is prohibited unless authorized by

the Planning Director. All streetlighting shall be reviewed and approved by the DRC for design, location, photometrics, etc. **(PLN)**

32. Construct a Class 1 bikeway (8'wide) along the project's frontage on both PFE Road and Walerga Road pursuant to the Dry Creek West Placer Community Plan. The location, width, alignment, and surfacing of the bikeway shall be subject to DPW/DRC review and approval prior to the approval of Improvement Plans. **(PARKS)**
33. Public multi-use trails shall be provided in conjunction with the project as follows. Maintenance of all trails shall be by the CSA
  - A) An 8' wide public multi-use trail shall be constructed within the streets right-of-ways, as conceptually shown on the Tentative Map and approved by the DRC, in consultation with the Parks Division. **(PARKS / PLN)**
34. Construct subdivision road(s) on-site to an Urban Minor Plate 104 LDM. All subdivision streets shall be designed to meet a minimum 25 mph design speed criteria. The roadway structural section(s) shall be designed for a Traffic Index of 5.5 (Ref. Section 4, LDM). **(ESD)**
35. Final approval of on-site and off-site waterline, sewerline, storm drain routes, and road locations must be obtained from the DRC. **(ESD / PLN)**
36. Construct public road entrances onto PFE and Walerga roads to the Plate 116 LDM standards. The design speeds shall be 55 mph and 45 mph, respectively, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lanes as directed by DPW and ESD. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. **(ESD)**
37. Proposed road names shall be submitted to the Engineering and Surveying Division (ESD) - Addressing (530-889-7530) for review and shall be approved by the ESD prior to Improvement Plan approval. **(ESD)**
38. Construct a left-turn lane at the project entrance at PFE Road. The design shall conform to criteria specified in the latest version of the Caltrans Highway Design Manual for a design speed of 55 mph with a structural section designed for a Traffic Index of 8.5, unless an alternative is approved by DPW. **(ESD)**
39. Construct one-half of a 46 foot road section where the project fronts PFE Road, as measured from the existing centerline thereof or as directed by the Engineering and Surveying Division (ESD). Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, signalization, bikelanes, or for conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 8.5 but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by ESD. **(ESD)**
40. Construct one-half of a 106-foot road section, with a 10-foot striped median, where the project fronts Walerga Road, as measured from the existing centerline thereof or as directed by the Engineering and Surveying Division (ESD). Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, signalization, bikelanes, or for conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 9.0 but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by ESD. **(ESD)**



41. An Encroachment Permit shall be obtained from the Department of Public Works prior to Improvement Plan approvals for any landscaping within public road rights-of-way. **(ESD)**
42. Delineate Class II bikeways along the project's frontage on PFE and Walerga Roads pursuant to the Placer County Bikeways Master Plan. The location, width, alignment, and surfacing of the bikeway shall be subject to ESD/DRC review and approval prior to the approval of Improvement Plans. **(ESD)**
43. Streetlight(s), designed in accordance with the *American National Standard Practice for Roadway Lighting Manual* shall be provided and installed to the satisfaction of the DPW and PG&E at the project's entrances on PFE and Walerga roads and shall be maintained by the HOA.

**ADVISORY COMMENT:** Streetlights shall be of a type, height, and design to direct lighting downward, shielding, to the greatest extent practical, light exposure beyond that needed for proper intersection lighting. **(ESD)**

## **PUBLIC SERVICES**

44. Provide to DRC "will-serve" or "will serve requirements" letters from the appropriate public service providers prior to Improvement Plan and Final Map approvals, as required:
  - A) PG&E
  - B) SMUD
  - C) CSA 28 Zone 173 (Dry Creek) Sewer District (The District will not be able to serve the project until the requirements in the Will Serve Requirements Letter are met.
  - D) California American Water Company / PCWA
  - E) Auburn Placer Disposal Services

If such "will-serve" letters were obtained as a part of the environmental review process, and are still valid, (received within one year) no additional verification shall be required. All requirements included in the letters shall be shown on the Improvement Plans and/or Final Subdivision Map(s) to the satisfaction of the Engineering and Surveying Division. **(ESD / EH)**

45. Prior to the approval of the Improvement Plans, provide the DRC with proof of notification (in the form of a written notice or letter) of the proposed project to:
  - A) Dry Creek Unified/Roseville High School Districts
  - B) The Placer County Sheriff's Office **(ESD)**
46. Prior to the approval of the Improvement Plans, confer with local postal authorities to determine requirements for locations of cluster mailboxes, if required. The applicant shall provide a letter to DRC from the postal authorities stating their satisfaction with the development box locations, or a release from the necessity of providing cluster mailboxes prior to Improvement Plan approval. If clustering or special locations are specified, easements, concrete bases, or other mapped provisions shall be included in the development area and required improvements shall be shown on project Improvement Plans. **(ESD)**
47. Create a County Service Area (CSA) Zone of Benefit or annex to an existing CSA Zone of Benefit, if appropriate. The CSA will be established concurrent with and on the Final Map. In the event that the CSA is abolished by the Board of Supervisors, or the CSA is otherwise not able to function, the homeowner's association shall be responsible for all services previously provided by the CSA. The CSA shall provide the following services: **(ESD)**
  - A) Maintenance of class 1 trail
  - B) Maintenance and operation of public recreation facilities.

- C) Road maintenance
- D) Storm drainage maintenance for facilities located within public easements.
- E) **ADVISORY COMMENT:** Maintenance of detention facilities by the homeowners' association will be required.

48. If a Pipeline Extension Agreement (PLX) or other connection requirement with the domestic water purveyor is necessary in order to provide service to the subdivision, prior to Final Map approval, provide evidence of the agreement or work plan with the "will serve" or "water availability" letter to the DRC for verification of service for all lots of the Final Map. **(EH)**

## **GENERAL DEDICATIONS / EASEMENTS**

49. Provide the following easements / dedications on the Improvement Plans and Final Map to the satisfaction of the Engineering and Surveying Division (ESD) and DRC: **(ESD)**

- A) Dedicate to Placer County a 42-foot wide highway easement (Ref. Chapter 16, Placer County Code) along on-site subdivision roadways for road and utility purposes.

**ADVISORY COMMENT:** After completion of improvements, said roads may be accepted into the County's maintained mileage system. **(ESD)**

- B) Dedicate to Placer County a 50-foot wide highway easement (Ref. Chapter 16, Placer County Code) at the Walerga Road entrance between Walerga Road and the first on-site intersection for road and utility purposes.

**ADVISORY COMMENT:** After completion of improvements, said roads may be accepted into the County's maintained mileage system. **(ESD)**

- C) Dedicate to Placer County a highway easement to the proposed back of curb (varies from 26 to 34.5 feet) (Ref. Chapter 12, Article 12.08, Placer County Code) where the project fronts PFE Road, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the Transportation Planning Division of DPW. **(ESD)**

- D) Dedicate to Placer County a highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) from the existing dedicated highway easement to the ultimate 6-lane intersection design back of curb (width varies) where the project fronts Walerga Road, as required by the Transportation Planning Division of DPW. **(ESD)**

- E) Public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE). **(ESD)**

- F) Dedicate 12.5' multi-purpose easements adjacent to all highway easements. **(ESD)**

- G) Drainage easements as appropriate. **(ESD)**

- H) An Irrevocable Offer of Dedication for easements as required for access to, and protection and maintenance of, post-construction water quality enhancement facilities (BMPs). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. **(ESD)**

- I) Easements as required for installation and maintenance of neighborhood identification/entrance structures, soundwalls, fences and/or gates by the homeowners' association. **(ESD / PLN)**

- J) Landscape easements as appropriate. **(ESD / PLN)**

- K) Slope easements for cuts and fills outside the highway easement. **(ESD)**

## LANDSCAPING

50. A Landscape Plan, prepared by a licensed landscape architect or similar professional, shall be submitted and approved by the DRC (and Parks Division if maintenance is provided through a CSA) which: provides landscape screening (maximum 2 ½ : 1 slope) and earthen berms within all available public rights-of-way and Lots A, B, C and D along Walerga and PFE Road frontages. Protected wetlands located within Lot C at the northwest corner of the site shall remain undisturbed except as part of off-site improvements along PFE Road. Landscaping shall also be provided within Lots E and F as part of the subdivision's recreation amenities.

A conceptual Plan shall be submitted to the DRC prior to the submittal of Improvement Plans to be finalized during Improvement Plan review. Landscaping and irrigation shall be installed to the satisfaction of the County prior to the County's acceptance of the subdivision's improvements. All landscaping shall consist of native-appearing drought-tolerant plant species with a water-conserving drip irrigation system to be installed by the developer prior to acceptance of the subdivision's improvements. The homeowners' association shall be responsible for the maintenance of said landscaping irrigation.

Open space lots fronting PFE and Walerga Roads shall provide undulating earthen berms with a maximum two feet of any portion of masonry walls to be visible, as viewed three feet above the centerline of PFE and Walerga Roads. All masonry walls shall utilize wood-simulated decorative pre-cast concrete or other earthtone-colored material as approved by DRC. Open iron fencing as defined in Condition # 51 shall also be shown on the landscape plan.

All areas that are disturbed within the project as part of subdivision improvements, shall be re-established with hydroseeding and planting. A monitoring program report, prepared by a licensed landscaping architect, shall be submitted annually to the Planning Services Division for a 5-year period. Said report will define areas that have been landscaped with a description of the species, sizing, and planting materials, and status of landscaping coverage and success, including survival rate. Any corrective actions required are the responsibility of the homeowners' association.

Prior to approval of the Improvement Plans, a Certificate of Deposit, letter of credit or cash deposit in the amount of 125% of the accepted proposal shall be deposited with the Placer County Planning Services Division to assure performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC. Violation of any components of the approved MMIP may result in enforcement activity per Placer County Environmental Review Ordinance Article 18.28.080, formerly Section 31.870, of the Placer County Code. An agreement between the applicant and the County shall be prepared which meets DRC approval that allows the County use of the deposit to assure performance of the MMIP in the event the homeowners' association fails to perform. **(MMIP) (PLN)**

51. The applicant shall install permanent fencing at the following locations as approved by DRC:
- A) Open rail fencing (redwood or pressure-treated cedar with posts embedded in concrete at minimum 25' intervals), around all protected wetland areas within Lot C. Said fencing shall provide a physical demarcation to future homeowners of the location of protected areas.
  - B) Open rail fencing (redwood or pressure-treated cedar with posts embedded in concrete at minimum 25' intervals), around detention facilities in Lot E. Said fencing shall provide a physical demarcation to future homeowners of the location of protected areas.
  - C) Open iron fencing (black color only) shall be installed a minimum 5 feet from the top of walls within open space lots adjoining Walerga and PFE Roads.
  - D) Double-sided privacy fencing (6' minimum) along the easterly boundary adjoining the Saber City Mobile Home Park residents.

All fencing shall be shown on the improvement plans and installed prior to the County's acceptance of final improvements.

52. **Temporary Construction Fencing:** The applicant shall install a 4' tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:
- A) Adjacent to wetland preservation areas that are within 50' of any proposed construction activity located within Lot C.
  - B) At the limits of construction, outside the dripline of all protected off-site trees 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunk trees, within 50' of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Map;
  - C) No development of this site, including grading, will be allowed until this condition is satisfied. Any encroachment within these areas, including driplines of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.
  - D) Said fencing and a note reflecting this Condition shall be shown on the Improvement Plans. **(MM) (PLN / DPW)**
53. Lot(s) A, B, C, D, E, F shall be defined and monumented as common area lots to be owned and maintained (including the removal of unauthorized debris) by the homeowners' association. The purpose of said Lots are defined below:
- A) Lots A, B, C, D – Noise attenuating earthen berms, retaining walls, landscaping, open iron fencing, wetland preservation areas with protective fencing (northwest corner of Lot C)
  - B) Lot E – detention basin, protective fencing, private recreation, landscaping
  - C) Lot F – private recreation amenities, landscaping

A note shall be provided in the Development Notebook and Improvement Plans prohibiting any disturbances within wetland preservation areas, including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. **(MM) (PLN / ESD)**

## FEES

54. **ADVISORY COMMENT:** Please be advised that pursuant to County Code Sections 15.34.010, 16.08.100 and/or 17.54.100 (D), a fee must be paid to Placer County for the development of park and recreation facilities. (For reference, the fee currently is ~~\$555-755~~ per lot to be paid at final map and ~~\$2,9254,030~~ per unit due when a building permit is issued.) As a result of the construction of the private onsite recreation improvements identified on the tentative map, this project qualifies for a 25% credit toward the park and recreation facilities fee. Said credit shall be applied at the building permit issuance



stage, but applies to the entire park fee collected. (For reference, if the fee were collected today, the fee would be ~~\$555,755~~ at final map and ~~\$2,0553,022~~ at the building permit stage.) **(PLN)**

55. For wetland or riparian impacts less than 4,355 square feet, provide payment to the County's Wetland Mitigation Fund. The amount to be paid shall be the in-lieu mitigation payment in effect at the time the Final Map is recorded. For guidance, the equivalent payment today would be \$1.50 per square foot for wetland impacts.

The amount of habitat replaced shall be no less than the habitat replacement requirements of the State and/or Federal resource agency(ies) that have jurisdiction over the habitat. **(MM)**

56. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fee required is ~~\$880,3,120~~ for projects with Environmental Impact Reports, payable to Placer County (includes posting fee).

Without the appropriate fee, the NOD is not operative, vested nor final and shall not be accepted by the County Clerk. **NOTE: The above fee shall be submitted to the Planning Services Division within 5 days of final project approval. The filing and posting of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA. Where an NOD has not been filed, this period is extended to 180 days.**

57. **ADVISORY COMMENT:** Building Permits associated with this project shall be subject to payment of Placer County Facility Impact Fees (Ordinance #47-69-B, Article 2.120.010, formerly Chapter 38, of the *Placer County Code*) **(BLD)**
58. This project will be subject to the payment of traffic impact fees that are in effect in this area (Dry Creek Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:
- A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
  - B) South Placer Regional Transportation Authority (SPRTA)
  - C) Placer County/City of Roseville Joint Fee

The current total combined estimated fee is ~~\$4,7435,009~~ per single-family residence. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. **(DPW)**

59. **ADVISORY COMMENT:** This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, formerly Chapter 4, Subchapter 20, Placer County Code.) The current estimated development fee is \$224 per single-family residence, payable to the Engineering and Surveying Division prior to each Building Permit issuance. When and if additional entitlements or Building Permits are sought for each parcel, that property will become subject to this Ordinance requirement. The actual fee shall be that in effect at the time payment occurs. **(MM) (ESD)**
60. **ADVISORY COMMENT:** This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, formerly Chapter 4, Subchapter 20, Placer County Code). Prior to Building Permit issuance, each applicant shall cause each subject parcel to become a participant in the existing Dry

Creek Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is \$35 per single-family residence. **(MM) (ESD)**

## **ENVIRONMENTAL HEALTH**

61. The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. **(EH)**
62. The project owner or authorized managing entity shall insure that all construction vehicles or equipment, fixed or mobile, operated within close proximity of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the owner's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the Improvement Plans where applicable. **(PLN)**
63. Construction noise emanating from any construction activities for which a Grading or Building Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:
  - A) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
  - B) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
  - C) Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs 4 feet x 4 feet shall be located throughout the project, as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a tollfree public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

**ADVISORY COMMENT:** Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a house under construction with the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions. **(PLN)**

64. The project shall conform to the Noise Element of the Dry Creek Community Plan, the Environmental Noise Assessment by Bollard Acoustical Consultants dated March 24, 2006, and the environmental document. Construct a noise barrier to the satisfaction of the DRC between the project and PFE Road and Walerga Road in order to meet the Placer County exterior noise level standard 60 dB. There should be a 7-foot barrier along PFE Road and an 8-foot barrier along Walerga Road. A 6-foot barrier can be used for Lot E for the detention basin and to provide the necessary shielding for the nearby lots. **(EH)**
65. If at any time during the course of constructing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact Environmental Health Services Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of Environmental Health Services and to the Central Valley Regional Water Quality Control Board. A note to this effect shall be added to the Improvement Plans where applicable. **(EH)**

66. **ADVISORY COMMENT:** If Best Management Practices are required by the ESD for control of urban runoff pollutants, then any hazardous materials collected during the life of the project shall be disposed of in accordance with all applicable hazardous materials laws and regulations. **(EH)**
67. Additionally, the following construction noise mitigation measures shall be added to the project and be shown as comments on Improvement Plans or Grading Plans:
- A) Construction activities shall conform to the following standards; (a) there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment and no servicing of equipment except during the permitted hours of construction; (b) radios played at high volume, loud talking and other forms of communication constituting a nuisance shall not be permitted; and (c) there shall be no construction on Sundays or legal holidays.
  - B) Noisy construction equipment shall not idle for more than 10 minutes.
  - C) Temporary acoustic barriers shall be installed around stationary construction noise sources located within 1600 feet of any residential property.
  - D) Construction equipment and trucks used for construction shall utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts on nearby noise-sensitive areas.
  - E) Loaded trucks used in construction shall not travel at speeds higher than 25 miles per hour in the Project vicinity and shall avoid driving over bumps, and shall reduce speed while driving over bumps that cannot be avoided to reduce the incidence and intensity of vibration as experienced by adjacent residents.
  - F) No bulldozers shall operate within 50 feet of any existing residential structure located adjacent to the Project construction site.
  - G) No loaded trucks shall operate on the proposed Project construction site within 50 feet of any existing residential structure.
  - H) Construction shall not involve the use of blasting to remove rock outcroppings or in site preparation. **(MM) (PLN)**
68. Soundwall barrier maintenance:
- A) Barrier heights are relative to building pad elevations. This noise barrier, including cross section views of relationship to building pad elevations, shall be shown on the Improvement plans.
  - B) Enhanced construction features will be required in order to comply with indoor noise level standards for lots with 2<sup>nd</sup> story dwellings immediately adjacent to Walerga and PFE Roads. Building permits for 2<sup>nd</sup> story dwellings on lots #1, 44-53, & 86-91 will require mechanical ventilation (air conditioning) and STC rated 32 window assemblies. **(MM) (PLN)**
  - C) The HOA shall provide notification to future property owners of Lots #1, 44-53, & 86-91 that there is an easement along the soundwall (on the property owners side), which allows the HOA to service and maintain the soundwall. This easement shall be shown on the Improvement Plans.

## AIR QUALITY

69. The prime contractor shall submit a construction dust mitigation plan to the Placer County APCD. The plan shall be deemed adequate and approved by the Placer County APCD for mitigating onsite construction-generated emissions before any onsite construction activities begin. This plan shall specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The applicant shall comply with the requirements of District Rule, 228 Fugitive Dust. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond property boundary at any time.

70. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
71. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. Contractors can access the Sacramento Metropolitan Air Quality Management District's web site to determine if their off-road fleet meets the requirements listed in this measure.  
[http://www.airquality.org/ceqa/Construction\\_Mitigation\\_Calculator.xls](http://www.airquality.org/ceqa/Construction_Mitigation_Calculator.xls)
72. Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified and the equipment must be repaired within 72 hours. An applicant representative, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement.
73. No open burning of removed vegetation during infrastructure improvements.
74. Minimize idling time to five minutes for all diesel-power equipment.
75. Use California Air Resources Board (CARB) diesel fuel for all diesel power equipment.
76. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. If not available, CARB diesel fuel is to be used.
77. Open burning shall be prohibited and be included in any CC&Rs that are developed.
78. HVAC units shall be equipped with PremAir (or other manufacturer) catalyst system if available and economically feasible at the time building permits are issued. The PremAir catalyst can convert up to 70% of ground level ozone that passes over the condenser coils into oxygen. The PremAir system is considered feasible if the additional cost is less than 10 percent of the base HVAC system.
79. Open burning shall be prohibited and be included in any CC&Rs that are developed.
80. Only natural gas/propane fired, fireplace appliances are allowed.
81. The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term ozone precursor emissions. The project offsite mitigation program must be approved by PCAPCD. The project's offsite mitigation program provides monetary incentives to sources of air pollutant emissions within the projects' air basin that are not required by law to reduce their emissions. Therefore, the emission reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the air basin that would not otherwise be eliminated.



In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reductions needed through the Offsite Mitigation Program would be calculated when the project's average daily emissions have been determined.

## **MISCELLANEOUS CONDITIONS**

- 82. No lot shall be further divided. **(PLN)**
- 83. No lot shall be divided by a tax district boundary. **(PLN)**
- 84. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. **(ESD)**
- 85. This project is located within a "State Responsibility Area" and, as such, is subject to fire protection regulations established by the State Board of Forestry. Compliance with these regulations shall be evidenced by submittal of a letter from California Department of Forestry (CDF) to the Engineering and Surveying Division prior to Improvement Plan approval. CC&Rs shall include notification to future lot owners that said regulations include provisions applicable to residential construction. **(ESD)**
- 86. Any entrance structure proposed by the applicant shall be reviewed and approved by the DRC, shown on the project Improvement Plans, and shall be located such that there is no interference with driver sight distance as determined by the DPW, and shall not be located within the right-of-way.

**ADVISORY COMMENT:** Any entrance monument or structure erected within the front setback on any lot, within certain zone districts, shall not exceed 3' in height (Ref. Article 17.54.030, formerly Section 10.030, Placer County Zoning Ordinance). **(PLN / ESD)**

- 87. No controlled access (gated entry) feature is authorized as part of this project. **(PLN)**
- 88. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys' fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Morgan Place Subdivision. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. **(CC)**

## **CONDITIONS, COVENANTS & RESTRICTIONS (CC&Rs)**

89. Prior to the filing of the Final Map, Conditions, Covenants, and Restrictions (CC&Rs) shall be prepared and submitted to and approved by the ESD, County Counsel, and other appropriate County Departments and shall contain provisions/notifications required by Conditions contained herein. **(PLN / ESD / EH / APCD)**
90. The applicants shall create a Homeowners' association with certain specified duties/responsibilities including the enforcement of all of the following notifications. **(ESD)**
91. None of the provisions required by this condition of approval shall be altered without the prior written consent of Placer County. **(PLN / ESD / EH / APCD)**

## **NOTIFICATION TO FUTURE BUYERS**

92. Notification to future owners and builders that permanent protective fencing located alongside Wetland Protection Areas on Lot C and detention facilities in Lot E shall not be removed or altered without the express written permission of the homeowners' association and the DRC. **(MM) (PLN)**
93. Notification to all future owners that all outdoor lighting shall be shielded such that direct rays from the lamp are directed downward and do not cross property lines. Motion sensor lighting shall be encouraged to minimize night sky light pollution. **(MM) (PLN)**
94. Notification to the future owners of affected lots that are located adjacent to common area lots, regarding the provision of an access easement to the homeowners' association for maintaining fencing and/or retaining walls around the perimeter of such lots. A minimum 24-hour notification to affected homeowners shall be provided prior to any work by the homeowners' association. **(PLN)**
95. Notification to all future lot owners that minimum development standards for this project are as defined in the Placer County Zoning Ordinance excepting for the variances approved as defined in Condition #1 herein. Setbacks for pools and related equipment areas are defined in Placer County Code, Article 17.54.140, formerly Zoning Ordinance Section 10.082 B (5). **(PLN)**
96. Notification to the future owners that no structures, including solid fencing over 3' in height, may be installed in front setback areas, including any property frontages along roadways (unless otherwise allowed under section 17.54.030B1 of the Placer County Zoning Ordinance). **(PLN)**
97. Each new lot owner shall be provided with a copy of the Development Notebook page(s) applicable to the subject lot, including plot plans and all use restrictions. **(PLN)**

## **DEVELOPMENT STANDARDS**

98. The Development Standards for this project are as defined in the Placer County Zoning Ordinance excepting for the variances approved as otherwise defined in Condition #1 herein.
99. Pursuant to the Zoning Ordinance, setbacks apply to all structures and accessory structures. Setbacks for swimming pools/spas/pool equipment, etc. shall conform to Placer County Code, Article 17.54.140, formerly Zoning Ordinance Section 10.082 B (5). **(PLN)**
100. Prior to recordation of the Final Map(s), a reference manual (i.e., development notebook) shall be submitted for approval to the Planning Services Division which shall include plot plans for each lot in

the project, depicting all dimensions, easements, setbacks, height limits and other restrictions which might affect the construction of structures on said lot and in the case of a PD subdivision, the permitted building space ratio per Zoning Ordinance Section 17.54.100.A.2.e. No Building Permits may be issued for the project until this manual is provided to and accepted by the DRC for format and content requirements. **(PLN)**

## **MITIGATION MONITORING**

101. A Mitigation Monitoring Implementation Program (MMIP) for the replacement of native oaks and other trees resulting from on-site and off-site improvements, prepared by an ISA certified arborist, Registered Forester, or Landscape Architect, shall be submitted to the Planning Services Division, prior to the submittal of the project's Improvement Plans for review and approval by the DRC. Said plan shall provide for a minimum inch for inch replacement of native trees to be planted by the project developer within Common Area Lots and any other areas determined appropriate by the DRC (1 inch impact = 1-15 gallon, 3-5 gallon, or 5-1 gallon replacement container). The Plan shall include a site plan that indicates the trees' location, installation and irrigation requirements and other standards to ensure the successful planting and continued growth of these trees.

Installation of all trees and irrigation systems must be completed prior to the County's acceptance of the subdivision's improvements. Access rights for monitoring and maintenance, if necessary, shall be provided to the homeowners' association.

An annual monitoring report for a minimum period of 5 years from the date of installation, prepared by the above-cited professional, shall be submitted to the DRC for review and approval. Any corrective action shall be the responsibility of the homeowners' association.

Prior to the approval of the Improvement Plans, a Letter of Credit, Certificate of Deposit, or cash deposit in the amount of 100% of the accepted proposal shall be deposited with the Placer County Planning Services Division to assure on-going performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC prior to the approval of Improvement Plans. For the purposes of administrative and program review by Placer County, an additional 25% of the estimated cost of the Monitoring Program shall be paid to the County, in cash, at the time that the 100% deposit is made. With the exception of the 25% administrative fee, 100% of the estimated costs of implementing the monitoring program shall be returned to the applicant once the applicant has demonstrated that all 5 years of monitoring have been completed to the satisfaction of the DRC. Refunds will only be available at the end of the entire review period.

It is the applicant's responsibility to ensure compliance with the MMIP. Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance, Article 18.28.080 (formerly Section 31.870). If a monitoring report is not submitted for any one year, or combination of years, as outlined in these conditions, the county has the option of utilizing these funds and hiring a consultant to implement the MMIP. Failure to submit annual monitoring reports could also result in forfeiture of a portion of, or all of, the deposit. An agreement between the applicant and County shall be prepared which meets DRC approval that allows the County use of this deposit to assure performance of the MMIP in the event the homeowners' association reneges. **(MMIP) (PLN)**

102. In lieu of 30 % of mitigation for tree removal listed above, a contribution of \$100 per diameter inch at breast height for each tree removed or impacted shall be paid to the Placer County Tree Preservation Fund. If tree replacement mitigation fees are to be paid in the place of tree replacement mitigation planting, these fees must be paid prior to acceptance of improvements by Placer County.

**ADVISORY COMMENT:** The unauthorized disturbance to the dripline of a tree to be saved shall be cause for the Planning Commission to consider revocation of this permit/ approval. **(MM) (PLN)**

## EXERCISE OF PERMIT

103. This Tentative Subdivision Map has been granted several automatic extensions by the state through Senate Bill 1185 (1-year automatic extension) and Assembly Bills 333, 208, and 116 (consecutive 2-year automatic extensions). Collectively, the Senate Bill and Assembly Bills established an extended expiration date of June 5, 2016. On July 14, 2016, the Placer County Planning Commission approved a two-year Extension of Time for the Tentative Subdivision Map and Variances for the Morgan Place subdivision, resulting in an expiration date of June 5, 2018.

On June 14, 2018, the Planning Commission approved a second Extension of Time for the Tentative Subdivision Map and Variances for the Morgan Place subdivision, resulting in an expiration date of June 5, 2020.

On July 23, 2020, the Planning Commission approved a third and final Extension of Time for the Tentative Subdivision Map and Variances for the Morgan Place subdivision, resulting in an expiration date of June 5, 2022. (PLN)